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| In re Application of KIM et al | : | |
| U.S. Application No.: 10/030,118 | : | |
| Int. Application No.: PCT/KR00/00230 | : | |
| Int. Filing Date: 17 March 2000 | : | DECISION ON PETITION |
| Priority Date: 07 July 1999 | : | |
| Attorney Docket No.: KIMB3005/REF | : | UNDER 37 CFR 1.137(b) |
| For: AN ELECTROCHEMICAL METHOD FOR | : | |
| ENRICHMENT OF MICROORGANISM, | : | |
| A BIOSENSOR FOR ANALYZING | : | |
| ORGANIC SUBSTANCE AND BOD | : | |

This is in response to applicant's "Petition to Revive Abandoned Application Under 37 C.F.R. § 1.137 (b)" filed 24 January 2002.

BACKGROUND

On 17 March 2000, applicant filed international application PCT/KR00/00230, which claimed priority of an earlier Korea application filed 07 July 1999. A copy of the international application was communicated to the USPTO from the International Bureau on 18 January 2001. A Demand for international preliminary examination, in which the United States was elected, was filed on 02 February 2001, prior to the expiration of nineteen months from the priority date. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 07 January 2002.

International application PCT/KR00/00230 became abandoned as to the United States at midnight on 07 January 2002 for failure to pay the basic national fee.

On 24 January 2002, applicant filed the present petition. The petition states that it is accompanied by a proper response under 35 U.S.C. 371, the petition fee set forth in 37 CFR 1.17(m), and a statement that abandonment of the application was unintentional.

DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

With regard to item (1), applicant has provided the required basic national fee under 35 U.S.C. 371.

With regard to item (2), applicant has provided the required petition fee.


With regard to item (3), applicant has provided the required statement.

With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.137(b) is GRANTED.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision, including preparation and mailing of a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that the surcharge under 37 CFR 1.492(e) for filing an oath or declaration later than thirty months from the priority date must be submitted.


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